

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Wai Hing Lai et al.

Application No.: 10/800,652

Filed: March 16, 2004

For: ELECTRICAL ACCESSORY



Group Art Unit: 2833

Examiner: FELIX O FIGUEROA

Appeal No.:

APPEAL BRIEF

Mail Stop APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated July 29, 2005, finally rejecting claims 1, 2, and 4-11, which are reproduced as the Claims Appendix of this brief.

- A check covering the \$250.00 (2402) \$500.00 (1402)
Government fee is filed herewith.
- Charge \$250.00 (2402) \$500.00 (1402) to Credit Card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

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I. Real Party in Interest

The subject application is assigned to Eastern Sources Housewares (Hong Kong) Limited, a Hong Kong corporation.

II. Related Appeals and Interferences

There are no other appeals, interferences, or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. Status of Claims

The present application contains claims 1-11. Claim 3 has been canceled. Claims 1, 2 and 4-11 are pending, and stand finally rejected. This appeal is directed to the rejections of claims 1, 2 and 4-11.

IV. Status of Amendments

There were no amendments filed subsequent to the final Office Action.

V. Summary of Claimed Subject Matter

The claims are directed to an electrical accessory that is particularly suitable for use with electrical appliances and provides a measure of safety against tripping over, or otherwise accidentally pulling, the electrical cord that connects an appliance to a power outlet.

There is always a danger that the electrical cord that connects an appliance to a power outlet, e.g. a wall socket, could be accidentally pulled, causing the appliance itself to be turned over or pulled off a counter. This situation is particularly dangerous in a case of electric cooking appliances, where the heated contents of the appliance could spill and cause injury.

Commonly assigned U.S. Patent No. 6,568,942 (cited of record) discloses one approach to this problem. As disclosed in that patent, the electric appliance is provided with a body member and a detachable electric cord. The receptacle for the cord in the appliance, and the end of the cord that plugs into the receptacle, are each designed to be readily detachable from one another in the case of accidental pulling or tripping over the cord. In the patented approach, the appliance itself is provided with the safety mechanism that protects against accidental pulling or tripping.

The appealed claims are directed to an electrical accessory that is designed to be used with conventional appliances. Referring to Figure 1, the accessory comprises two parts, a main body 8 and an electric cord 10. (Page 7, lines 1-5). The main body is designed to be securely attached to a stable fixture, such as a table or countertop. This attachment can be achieved by means of a clamp 34, as illustrated in Figure 1, or a suction cup, as illustrated in Figures 3 and 4. On one side, the main body 8 includes a receptacle 26 to which the conventional plug 4 of an appliance 6 can be connected, as shown in Figures 1 and 2. (Page 7, line 22 to page 8, line 9).

The electric cord 10 has two plugs at its respective ends. One plug 12 is connectable to a power outlet 16. The other plug 14 is received within a receptacle 18 of the main body 8. Referring to Figure 3, the receptacle 18 includes a pair of magnetized metallic plates 20, 22. As shown in Figure 5, the plug 14 includes a metallic member 24 that is attractable to the metallic plates 20, 22. This attraction causes the plug 14 to remain engaged within the receptacle 18, as depicted in Figure 1. (Page 7, lines 6-21). However, if the cord 10 is accidentally pulled or tripped over, the plug 14 can easily separate from the receptacle 18. In that case, however, the main body 8 and the electric appliance 6 remain unaffected. (Page 8, line 17 to page 9, line 11).

VI. Grounds of Rejection to be Reviewed on Appeal

The principal ground of rejection to be reviewed on this appeal is the rejection of claims 1, 2, 5, 6 and 11 under 35 U.S.C. § 103, as being unpatentable over the Sinopoli patent (US 3,049,688) in view of the Lau et al patent (US 6,568,942).

Although the final Office Action presents three other grounds of rejection with respect to dependent claims 4, 7 and 8-10, respectively, those rejections are not addressed in this brief.

VII. Argument

Claim 1 recites a safety electrical accessory comprising releasably engageable first and second body members. The first body member includes a first receiving portion adapted to be releasably engageable with a plug member of an electric cord of an electric appliance, and a second receiving portion provided with at least two pins protruding therefrom. The second body member includes a first plug member that is electrically connected with a second plug member. The first plug member is electrically connectable to an electricity mains supply, and the second plug member is adapted to be releasably engageable with the first body member. Furthermore, claim 1 recites that the second plug member is provided with at least two apertures that are sized and shaped to receive two pins of the second receiving portion. Claim 2 recites that the second plug member is connectable with the first body member by a magnetic force.

Claims 1, 2, 5, 6, and 11 stand finally rejected under 35 U.S.C. § 103, as being unpatentable over the Sinopoli patent in view of the Lau patent. In rejecting claims 1, 2 and 11, the final Office Action asserts that the Sinopoli patent discloses all of the feature recited in these claims, with the exception of the first and second body members being releasably engageable. To this end, the rejection relies upon the Lau patent for its teaching of first and second body members that are releasably engageable. The rejection concludes that it would have been obvious at the time the invention was made "to form the second member of the second body member as a plug that can be releasably engageable with the first body..., to prevent the first body member from being turned over when the second body is accidentally pulled." (Office Action at page 3, end of first partial paragraph).

The Sinopoli patent discloses a portable electrical receptacle box. In relevant part, the receptacle box includes a container 10 that can be mounted on a flat surface by means of a suction cup or screws. The container is provided with a

plurality of electrical receptacles 26, into which electrical appliances and the like can be plugged. For connection to a main power supply, the patent discloses a conductor 20 having a plug 21 at its distal end. The proximal end of the conductor 20 is fixably attached to the container 10.

The final Office Action appears to be suggesting that it would be obvious to replace this fixed attachment of the conductor 20 to the container 10 with a releasable connector, for example, of the type disclosed in the Lau patent. What the Office Action fails to provide, however, is any *teaching* that would lead a person of ordinary skill in the art to make such a modification.

As set forth in MPEP §2143, there are three fundamental criteria that must be met to establish a *prima facie* case of obviousness. The first of these criteria is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. This section of the Manual goes on to state "the teaching or suggestion to make the claimed combination... *must* ... be found in the prior art, not in applicants' disclosure" (emphasis added, citation omitted). The final Office Action fails to meet this requirement.

The Lau patent teaches that it is desirable to make the cord that attaches to an electrical appliance releasably engageable. By doing so, if someone should trip over the cord, the appliance itself will not be pulled off the counter or overturned. This teaching does not apply to the structure disclosed in the Sinopoli patent. The Sinopoli patent discloses that the electrical receptacle box is secured to a flat surface, either by means of a suction cup or more permanently by means of screws or other fasteners (column 2, lines 49-52). In view of this stable connection of the receptacle box to a fixture, such as the desk 40, the same safety concerns are not present as in the case of an electrical cord leading to an electrical appliance.

A logical combination of the teachings of the Sinopoli and Lau patents would be to make the cord of the electric appliance itself, i.e. the one that plugs into the receptacle 26, releasably engageable from the appliance. There is no teaching in either reference to suggest that the cord 20 of the Sinopoli structure should be releasably engageable with the container 10. The stable connection of the container

to the flat surface removes any need to do so. In other words, contrary to the assertion in the Office Action, there is no danger of overturning the container 10 of the Sinopoli structure.

Accordingly, the contention that it would obvious to utilize a releasable engagement between the cord 20 and the container 10 can only be based upon knowledge of the Appellants' disclosure. As set forth in the MPEP, however, this is not a proper basis for rejecting the claims.

In summary, therefore, there is no reason to combine the disclosures of the Sinopoli and Lau patents in the manner suggested in the final Office Action, absent knowledge of the presently claimed invention. The rejections are not properly founded in the statute, and should be reversed.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

There is no Evidence Appendix for this Brief.

X. Related Proceedings Appendix

There is no Related Proceedings Appendix for this Brief.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

TheAppealed Claims

1. A safety electrical accessory comprising releasably engageable first and second body members, said first body member including a first receiving portion adapted to be releasably engageable with a plug member of a first electric cord of an electric appliance and a second receiving portion provided with at least two pins protruding therefrom, and said second body member including a first plug member electrically connecting with a second plug member, said first plug member being electrically connectable with an electricity mains supply and said second plug member adapted to be releasably engageable with said first body member, and a securing means for securing said first body member to a surface, wherein said second plug member is provided with at least two apertures sized and shaped to receive said two pins of said second receiving portion and wherein said second plug member is dis-connectable from said first body member upon pulling of and/or accidental tripping over said first electric cord.
2. An electrical accessory as claimed in Claim 1 wherein said second plug member is connectable with said first body member by a magnetic force.
4. An electrical accessory as claimed in Claim 1 wherein said securing means is a clamp.
5. An electrical accessory as claimed in Claim 1 wherein said securing means is a suction cup.
6. An electrical accessory as claimed in Claim 1 wherein said second electric cord is at least three feet.
7. An electrical accessory as claimed in Claim 1 wherein said second plug member comprises a grounding pin.
8. An electrical accessory as claimed in Claim 1 wherein said second plug member comprises at least one grounding plate arranged at a side of said second

plug member, wherein said grounding plate is being engaged with said first body member when said second plug member is engaged with said first body member.

9. An electrical accessory as claimed in Claim 8 comprising two said grounding plates.

10. An electrical accessory as claimed in Claim 9 wherein said grounding plates are arranged at opposite sides of said second plug member.

11. An electrical accessory as claimed in Claim 1 wherein said first plug member and second second plug member are connected by a second electric cord.